

09/06/2019 "See News Release 037 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

NO. 2019-B-0912

IN RE: WILLIAM A. PIGG

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Pursuant to Supreme Court Rule XIX, § 21, the Office of Disciplinary Counsel (“ODC”) has filed a petition seeking the imposition of reciprocal discipline against respondent, William A. Pigg, an attorney licensed to practice law in Louisiana and Texas, based upon discipline imposed by the State Bar of Texas.

UNDERLYING FACTS AND PROCEDURAL HISTORY

Respondent was retained to represent Robin E. Johnson in a legal matter, for which respondent was paid a retainer fee. After being terminated from the representation, respondent failed to refund unearned advanced payments of the fee. Respondent also employed William Nellis, a disbarred attorney, and permitted him to perform an activity that constitutes the unauthorized practice of law. For his misconduct in these matters, respondent consented to be publicly reprimanded.

On April 22, 2019, the State Bar of Texas issued a judgment publicly reprimanding respondent. Among several conditions of this discipline, respondent agreed to pay \$2,500 in restitution to Robin E. Johnson.

After receiving notice of the Texas order of discipline, the ODC filed a motion to initiate reciprocal discipline proceedings in Louisiana, pursuant to Supreme Court Rule XIX, § 21. A certified copy of the decision and order was attached to the motion. On June 4, 2019, this court rendered an order giving respondent thirty days

to demonstrate why the imposition of identical discipline in this state would be unwarranted. Respondent failed to file any response in this court.

DISCUSSION

The standard for imposition of discipline on a reciprocal basis is set forth in Supreme Court Rule XIX, § 21(D). That rule provides:

Discipline to be Imposed. Upon the expiration of thirty days from service of the notice pursuant to the provisions of paragraph B, this court shall impose the identical discipline ... unless disciplinary counsel or the lawyer demonstrates, or this court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

- (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) Based on the record created by the jurisdiction that imposed the discipline, there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (3) The imposition of the same discipline by the court would result in grave injustice or be offensive to the public policy of the jurisdiction; or
- (4) The misconduct established warrants substantially different discipline in this state; ...

If this court determines that any of those elements exists, this court shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

In the instant case, respondent has made no showing of infirmities in the Texas proceeding, nor do we discern any from our review of the record. Furthermore, we feel there is no reason to deviate from the sanction imposed in Texas as only under **extraordinary circumstances** should there be a significant variance from the sanction imposed by the other jurisdiction. *In re: Aulston*, 05-1546 (La. 1/13/06), 918 So. 2d 461. *See also In re Zdravkovich*, 831 A. 2d 964, 968-69 (D.C. 2003)

(“there is merit in according deference, for its own sake, to the actions of other jurisdictions with respect to the attorneys over whom we share supervisory authority”).

Under these circumstances, we find it is appropriate to defer to the Texas judgment imposing discipline upon respondent. Accordingly, we will impose reciprocal discipline in the form of a public reprimand.

DECREE

Considering the Petition to Initiate Reciprocal Discipline Proceedings filed by the Office of Disciplinary Counsel and the record filed herein, it is ordered that respondent, William A. Pigg, Louisiana Bar Roll number 24189, be and he hereby is publicly reprimanded.